

ORDINANCE NO. 2003-3408

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 6, ENTITLED "LIVING WAGE REQUIREMENTS FOR CITY SERVICE CONTRACTS AND CITY EMPLOYEES"; BY AMENDING SECTION 2-408(b), ENTITLED "HEALTH BENEFITS", THEREIN, TO PRESCRIBE A MAXIMUM PERIOD OF TIME FOR THE "ELIGIBILITY PERIOD", AS SAME IS DEFINED THEREIN, UNDER WHICH A COVERED CONTRACTOR MAY QUALIFY TO PAY A NEW EMPLOYEE THE \$8.56 PER HOUR WAGE SCALE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City awards contracts to private firms to provide services for the public and also provides financial assistance to promote economic development and job growth; and

WHEREAS, such expenditures of public money also serve a public purpose by creating jobs, expanding the City's economic base, and promoting economic security for all citizens; and

WHEREAS, such public expenditures should be spent only with deliberate purpose to promote the creation of full-time, permanent jobs that allow citizens to support themselves and their families with dignity; and

WHEREAS, sub-poverty level wages do not serve the public purpose, and such wages place an undue burden on taxpayers and the community to subsidize employers paying inadequate wages by providing their employees with social services such as health care, housing, nutrition, and energy assistance; and

WHEREAS, the City has a responsibility when spending public funds to set a community standard that permits full-time workers to live above the poverty line, and therefore, contractors and subcontractors of City service contracts must pay their employees nothing less than the living wage herein described; and

WHEREAS, in addition to requiring living wages for City services provided by private firms, the City wishes to serve as an example by providing a living wage to all City employees.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AS FOLLOWS:

SECTION 1. AMENDMENT OF CITY CODE

That Section 2-408(b), entitled "Health Benefits", of Division 6, entitled "Living Wage Requirements for Service Contracts and City Employees", of Article VI, entitled "Procurement", of Chapter 2, entitled "Administration, of the Miami Beach City Code is hereby amended to read as follows:

Chapter 2
ADMINISTRATION

* * *

Article VI. Procurement

* * *

Division 6. Living Wage Requirements for Service Contracts and City Employees

* * *

SECTION 2-408. LIVING WAGE

* * *

~~(b) Health Benefits. For a Covered Employer or the City to comply with the living wage provision by choosing to pay the lower wage scale available when a Covered Employer also provides health benefits, such health benefits shall consist of payment of at least \$1.25 per hour towards the provision of health care benefits for Covered Employees and their dependents. If the health benefits plan of the Covered Employer or the City requires an initial period of employment for a new employee to be eligible for health benefits (eligibility period) such Covered Employer or City may qualify to pay the \$8.56 per hour wage scale during the new employee's eligibility period provided the new employee will be paid health benefits upon completion of the eligibility period. Proof of the provision of health benefits must be submitted to the awarding authority to qualify for the wage rate for employees with health benefits.~~

(b) Health Benefits; eligibility period. For a Covered Employer or the City to comply with the living wage provision by choosing to pay the lower wage scale available when a Covered Employer also provides health benefits, such health benefits shall consist of payment of at least \$1.25 per hour toward the provision of health benefits for Covered Employees and their dependents.

If the health benefits plan of the Covered Employer or the City requires an initial period of employment for a new employee to be eligible for health benefits (eligibility period) the living wage provision shall be complied with as follows during the eligibility period:

- (1) Provided the new employee will be paid health benefits upon the completion of the eligibility period, a Covered Employer or the City may only qualify to pay the \$8.56 per hour wage scale for a term not to exceed the first ninety (90) days of the new employee's eligibility period, said term commencing on the employee's date of hire.**

- (2) If the Covered Employer's or the City's eligibility period exceeds the ninety (90) day term provided in subsection (1) above, then the Covered Employer or the City, commencing on the ninety first (91st) day of the new employee's eligibility period, must commence to pay a living wage of not less than \$9.81 an hour.

Proof of the provision of health benefits must be submitted to the awarding authority to qualify for the wage rate for employees with health benefits.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause, or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

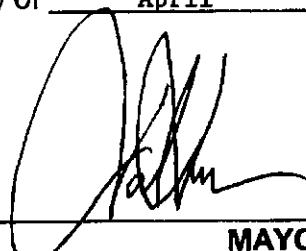
SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be returned.

SECTION 5. EFFECTIVE DATE.

PASSED and ADOPTED this 30th day of April, 2003.

ATTEST:



MAYOR



CITY CLERK

1st reading
2nd reading

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 3/31/03

CITY ATTORNEY **DATE**

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, April 30, 2003, at the times listed below** to consider the following on first reading:

at 10:45 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE; INCREASING ON THE FIRST PAY PERIOD ENDING MAY 4, 2003, THE MINIMUM OF THE RANGES BY 4% AND THE MAXIMUM OF THE RANGES BY 4%; AND BY ESTABLISHING THE CLASSIFICATIONS OF ASSISTANT DIRECTOR -- NEIGHBORHOOD SERVICES, HOUSING MANAGER, OFFICE OF COMMUNITY SERVICES DIVISION DIRECTOR, LABOR RELATIONS DIVISION, DIRECTOR, LABOR RELATIONS TECHNICIAN I, SPECIAL EVENTS COORDINATOR, PUBLIC ART COORDINATOR; AND AMENDING THE TITLES OF THE CLASSIFICATIONS OF HOUSING DEVELOPMENT DIVISION DIRECTOR TO COMMUNITY DEVELOPMENT AND HOUSING DIVISION DIRECTOR, LABOR RELATIONS TECHNICIAN TO LABOR RELATIONS TECHNICIAN II, TRAINING DEVELOPMENT COORDINATOR TO ORGANIZATIONAL DEVELOPMENT AND TRAINING COORDINATOR, TRAINING SPECIALIST TO ORGANIZATIONAL DEVELOPMENT AND TRAINING SPECIALIST; AND ABOLISHING THE TITLE OF CLASSIFICATION OF ASSISTANT TO THE NEIGHBORHOOD SERVICES DIRECTOR, PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 10:50 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, FOR CLASSIFICATIONS IN GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT; INCREASING ON THE FIRST PAY PERIOD ENDING MAY 4, 2003, THE MINIMUM OF THE RANGES BY 4% AND THE MAXIMUM OF THE RANGES BY 4%; AND BY ESTABLISHING THE CLASSIFICATION(S) OF ICE RINK TECHNICIAN AND SANITATION OPERATIONS SUPERVISOR; AMENDING THE TITLES OF CLASSIFICATIONS OF PERSONNEL TECHNICIAN I TO HUMAN RESOURCES TECHNICIAN I, PERSONNEL TECHNICIAN II TO HUMAN RESOURCES TECHNICIAN II, PERSONNEL TECHNICIAN III TO HUMAN RESOURCES TECHNICIAN III; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 10:55 a.m.:

AN ORDINANCE AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI, ENTITLED, "PROCUREMENT"; BY AMENDING DIVISION 6, ENTITLED "LIVING WAGE REQUIREMENTS FOR CITY SERVICE CONTRACTS AND CITY EMPLOYEES"; BY AMENDING SECTION 2-408(B), ENTITLED "HEALTH BENEFITS," THEREIN, TO PRESCRIBE A MAXIMUM PERIOD OF TIME FOR THE "ELIGIBILITY PERIOD," AS SAME IS DEFINED THEREIN, UNDER WHICH A COVERED CONTRACTOR MAY QUALIFY TO PAY A NEW EMPLOYEE THE \$8.56 PER HOUR WAGE SCALE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Inquiries may be directed to the Human Resources at (305) 673-7470.

at 11:00 a.m.:

AN ORDINANCE AMENDING SECTION 30-76(B) OF THE MIAMI BEACH CITY CODE ENTITLED "MITIGATION," PROVIDING FOR MITIGATION HEARINGS TO BE HEARD BY THE SPECIAL MASTER WITHIN ONE YEAR OF THE ISSUANCE OF THE AFFIDAVIT OF COMPLIANCE; PROVIDING THE SPECIAL MASTER MAY ALSO HEAR MITIGATION REQUESTS BEYOND ONE YEAR AFTER THE AFFIDAVIT OF COMPLIANCE UPON APPROVAL OF THE ADMINISTRATION; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Inquiries may be directed to the Neighborhood Services at (305) 604-2489

ALL INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE).

(Ad #0165)

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THURSDAY, APRIL 17, 2003 The Herald

www.herald.com

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

An Ordinance amending the Living Wage Ordinance to provide a maximum health benefits eligibility period during which a contractor may pay a new employee the lower \$8.56 rate.

Issue:

Shall the City Commission create a consistency between the City and the City's contractors as to maximum eligibility period for health benefits during which a contractor may pay a new employee the lower \$8.56 rate?

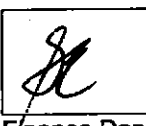
Item Summary/Recommendation:

Ordinance was approved by Commission 4/9/03 and second reading, public hearing was set for 4/30/03. By adopting this Ordinance amendment, the Living Wage Ordinance will better ensure that contractors and subcontractors follow the intent of the Living Wage Ordinance, continuing to set a community standard that permits full-time workers to live above the poverty line.

Advisory Board Recommendation:

N/A

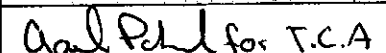

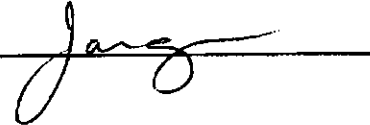
Financial Information:

Source of Funds:	Amount	Account	Approved
 Finance Dept.	1		
	2		
	3		
	4		
	Total		

City Clerk's Office Legislative Tracking:

T.C. Adderly

Sign-Offs:

Department Director	Assistant City Manager	City Manager
 Paul Pehl for T.C.A.	 M. B.	 J. J.

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AGENDA ITEM RSD
DATE 4-30-03

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: April 30, 2003

From: Jorge M. Gonzalez
City Manager

SECOND READING PUBLIC HEARING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 6, ENTITLED "LIVING WAGE REQUIREMENTS FOR CITY SERVICE CONTRACTS AND CITY EMPLOYEES"; BY AMENDING SECTION 2-408(b), ENTITLED "HEALTH BENEFITS", THEREIN, TO PRESCRIBE A MAXIMUM PERIOD OF TIME FOR THE "ELIGIBILITY PERIOD", AS SAME IS DEFINED THEREIN, UNDER WHICH A COVERED CONTRACTOR MAY QUALIFY TO PAY A NEW EMPLOYEE THE \$8.56 PER HOUR WAGE SCALE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends adopting the Ordinance.

ANALYSIS

The City has a responsibility when spending public funds to set a community standard that permits full-time workers to live above the poverty line. In an effort to achieve this goal, contractors and subcontractors of City service contracts must pay their employees nothing less than the living wage. Such expenditure of money also serves the public purpose by creating jobs, expanding the City's economic base and promoting economic security for all citizens.

General Criteria of Living Wage Ordinance

The intent of a Living Wage continues to be to provide salary rates for full-time employees equivalent to the poverty level plus 10%, and therefore, eliminate sub-poverty level wages. The Ordinance provided for a salary of \$8.56 per hour for employees who already receive health benefits and \$9.81 per hour for employees without health benefits. The Living Wage Ordinance applies to City employees, contractors, and subcontractors of City service contracts of \$100,000 or more.

Per Section 2-408 (b) of the Living Wage Ordinance, "If the health benefits plan of the Covered Employer or the City requires an initial period of employment for a new employee to be eligible for health benefits (eligibility period), such Covered Employer or City may qualify to pay the \$8.56 per hour wage scale during the new employee's initial eligibility period provided the new employee will be paid health benefits upon completion of the eligibility period."

City of Miami Beach employees are eligible for health benefits after 90 days of employment. This means that the City is permitted to pay an employee the lower \$8.56 rate during those first 90 days of employment because the employee will be eligible for health benefits on the 91st day. If the new employee is not be eligible for health benefits, then the City must pay the higher rate of \$9.81 beginning on the first day of employment.

It is proposed that the Ordinance be amended to have a consistent provision for contractors as to the maximum eligibility period. The proposed Ordinance amendment would permit contractors to pay a new employee the lower rate during the first 90 days of the eligibility period. If the contractor's eligibility period is greater than 90 days, then, commencing on the 91st day of the eligibility period, the contractor will pay the employee the higher rate of \$9.81 until the employee receives health benefits.

CONCLUSION

By adopting this Ordinance amendment, the Living Wage Ordinance will better ensure that contractors and subcontractors follow the intent of the Living Wage Ordinance, continuing to set a community standard that permits full-time workers to live above the poverty line.

JMG:MDB:TCA:GPL

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